

Application Serial No. 10/618,216
Amendment dated August 28, 2006
Reply to Office Action dated June 6, 2006

REMARKS

Claims 1-28 are pending in the application. The Examiner rejected Claims 1-28. Claims 29-37 have been withdrawn from consideration. No claims have been allowed.

Claim Rejections – 35 U.S.C. § 112

The Examiner rejected Claims 1-28 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicant has deleted the word "immediately" from Claims 1 and 16.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected Claims 1, 2, 4, 5, 10-13, 15, 16, 18, 19, 23, 24, and 28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0174070 to Garrod et al. (hereinafter "Garrod et al. '070").

Responsive to the foregoing rejection, Applicant submits herewith the attached Declaration of the inventor John A. Pasko under 37 C.F.R. § 1.131 ("the Pasko Declaration"). The Pasko Declaration establishes that the inventor, Mr. John A. Pasko, conceived and reduced to practice the liquid level monitoring system, as called for in Claims 1-15, and the battery-powered sensor module, as called for in Claims 16-28, before the effective filing date of Garrod et al. '070.

In view of the foregoing, Applicant respectfully submits that Garrod et al. '070 is not a proper prior art reference under 35 U.S.C. § 102(e), and Applicant respectfully requests the Examiner to withdraw the rejection of Claims 1, 2, 4, 5, 10-13, 15, 16, 18, 19, 23, 24, and 28 under 35 U.S.C. § 102(e) as being anticipated by Garrod et al. '070.

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Claim Rejections – 35 U.S.C. § 103

The Examiner rejected Claims 3 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Garrod et al. '070 in view of U.S. Patent No. 6,568,264 to Heger (hereinafter "Heger '264"). The Examiner also rejected Claims 6, 9, 14, 20, and 22 under 35 U.S.C. § 103(a) as being unpatentable over Garrod et al. '070 in view of U.S. Patent Application Publication No. 2001/0024165 to Steen, III et al. (hereinafter "Steen et al. '165"). The Examiner further rejected Claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Garrod et al. '070 in view of Steen et al. '165 and further in view of U.S. Patent No. 3,781,624 to Tullis (hereinafter "Tullis '624"). The Examiner rejected Claims 17 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Garrod et al. '070 in view of U.S. Patent No. 6,499,961 to Wyatt (hereinafter "Wyatt '961"). The Examiner also rejected Claims 25 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Garrod et al. '070 in view of U.S. Patent No. 6,229,448 to Bennett, Jr. et al. (hereinafter "Bennett, Jr. et al. '448").

In view of the discussion above regarding Garrod et al. '070 and the Pasko Declaration, Applicant respectfully submits that Garrod et al. '070 is not a proper prior art reference under 35 U.S.C. § 102(e), and Applicant respectfully requests the Examiner to withdraw the rejection of Claims 3, 6, 7, 8, 9, 14, 17, 20, 21, 22, 25, 26, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Garrod et al. '070 in combination with any of the references mentioned above.

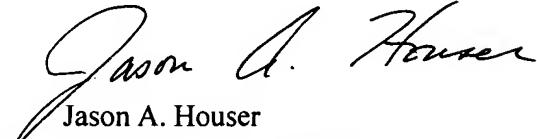
It is believed that the above represents a complete response to the Office Action and reconsideration is requested.

In the event Applicant has overlooked the need for an extension of time or payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0385, BAKER & DANIELS.

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If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 260/424-8000.

Respectfully submitted,


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SIGNATURE

August 28, 2006
DATE